

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

LILLIAN ABBY WHITMORE,)
vs.)
MICHAEL J. ASTRUE, Commissioner)
of the Social Security Administration,)
Defendant.)

vs.) NO. CIV-09-900-HE
MICHAEL J. ASTRUE, Commissioner)
of the Social Security Administration,)
Defendant.)

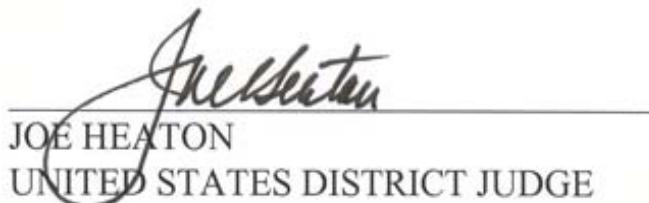
ORDER

Plaintiff Lillian Abby Whitmore filed this action seeking judicial review of the defendant Commissioner's final decision denying her applications for disability insurance benefits and supplemental security income payments under the Social Security Act. Consistent with 28 U.S.C. § 636(b)(1)(B), the case was referred to Magistrate Judge Bana Roberts, who has recommended that the Commissioner's decision be affirmed.

The plaintiff failed to object to the magistrate judge's Report and Recommendation and thereby waived her right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1)(C). Accordingly, the court adopts Magistrate Judge Robert's Report and Recommendation. The Commissioner's decision is **AFFIRMED**.

IT IS SO ORDERED.

Dated this 26th day of July, 2010.


JOE HEATON
UNITED STATES DISTRICT JUDGE